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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/057,927

01/29/2002

Masanori Takeuchi

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7590

09/09/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
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ALEXANDRIA, VA 22314

EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

NOTIFICATION DATE

DELIVERY MODE

09/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/057,927	<b>Applicant(s)</b> TAKEUCHI ET AL.	
	<b>Examiner</b> MARISSA THEIN	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10, 11 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 11 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 10, 2008 has been entered.

### ***Response to Amendment***

Applicants' "Request for Continued Examination" filed on June 10, 2008 has been considered.

Claims 12-15 and 17-18 are canceled. Claim 10 has been amended. Claims 10, 11, and 16 remain pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,392,226 to Sasaki in view of U.S. Patent No. 5,991,749 to Morrill, Jr. and in further view of 2003/0105641 to Lewis.**

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Regarding claim 10, Sasaki discloses a data processing apparatus comprising: data communication means for executing a data communication with a portable electronic terminal (mobile user terminal) having a data configured to store owner information identifying an owner of the portable electronic terminal (Figure 1; col. 5, lines 32-45; col. 8, lines 13-18); program transmission means for transmitting a program to the portable electronic terminal by the data communication means (col. 5, lines 3-7; col. 5, lines 32-45; Figure 1), wherein the program causes the portable electronic terminal to transmit the owner information to the data processing apparatus when the transmission of the owner information is permitted (col. 8, lines 44-50); data reception means for receiving the owner information sent from the portable electronic terminal through the data communication means according to the program sent to the portable electronic terminal by the program transmission means (col. 8, lines 44-50; col. 5, lines 32-45); means for determining whether a ticketing process should be executed (col. 8, lines 39-43; col. 12, line 44-col. 13, lines 7; Figure 8); means for confirming a requested ticket through an inquiry to a ticket company via a network when the ticket process is requested, for receiving information regarding the requested ticket from the ticket company via the network (Figures 9-10; col. 13, lines 23-36).

However, Sasaki does not explicitly disclose displaying a request to send data screen for selecting whether to or not to permit transmission of the stored owner information when the transmission of the owner information is selected on the request to send data screen; the storing the received information as ticket printing data; and means for transmitting and outputting the develop ticket printing data to a printer.

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Sasaki discloses ID transmission button, wherein the user may press the button, the ID information stored in the terminal is transmitted (col. 8, lines 44-47). Furthermore, Sasaki discloses an authentication request message which is generated by the mobile user terminal and transmits the message through the mobile user terminal to the information server (col. 13, lines 24-28). The authentication request message includes a user terminal Id unique to each mobile user terminal (col. 13, line 63-col. 14, lines 5). In the "Background of the Invention" of Sasaki, it discloses the ticket issuing terminal printing the received ticket information on a specific pasteboard determined by the ticket issuer and outputs it as a ticket (col. 1, lines 47-49).

Morrill, on the other hand, teaches displaying a request to send data screen for selecting whether to or not to permit transmission of the stored owner information when the transmission of the owner information is selected on the request to send data screen (col. 2, lines 50-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus of Sasaki, to include the displaying, as taught by Morrill, in order to verify identity and authorize access to a secured location (Morrill, col. 1, lines 49-50).

Lewis, on the other hand, teaches the storing the received information as ticket printing data; and means for transmitting and outputting the develop ticket printing data to a printer (paragraph 10; paragraph 21).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus of Sasaki, to include It would have been

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obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus of Sasaki, as taught by Lewis, in order to eliminate the need or required for the consumer to pick up tickets at some other location such as a box office.

Regarding claim 11, Sasaki discloses a product sales data processing apparatus for processing the product sales data (col. 7, lines 49-51; col. 3, lines 9-11)

**Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,392,226 to Sasaki, U.S. Patent No. 5,991,749 to Morrill, Jr. and U.S. Patent No. 2003/0105641 to Lewis as applied to claim 10 above, and further in view of U.S. Patent No. 5,689,503 to Wada et al.** Sasaki, Morrill and Lewis substantially discloses the claimed invention, however, the combination does not explicitly disclose when data communication with one portable terminal is established by the data communication means excludes communication with other portable electronic terminal. The combination does disclose an electronic ticket network having a start page, a ticket owner secret key, and electronic ticket possession certificate, the ticket owner secret key and the electronic ticket possession certification are used for authentication processing (Sasaki, abstract).

Wada, on the other hand teaches when data communication with one portable terminal is established by the data communication means excludes communication with other portable electronic terminal (col. 6, lines 17-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include when access from one portable terminal is established by the communication means the means excludes

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access by others, as taught by Wada, in order to forbid access by other mobile stations (Wada, col. 6, lines 17-18), thus providing no interruptions (Wada, col. 7, lines 41-42).

### ***Response to Arguments***

Applicant's arguments with respect to claims 10, 11 and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot /M. T./  
Examiner, Art Unit 3627

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627